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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT E. HAINES, MARK A. HARPER,
KENLEY HINRICHS, MARY B. BAUMUNK,
JODI GOETTEMOELLER, and SHARON WHALEY

Appeal 2007-1834
Application 09/733,472
Technology Center 2100

Decided: December 27, 2007

Before ANITA PELLMAN GROSS, JAY P. LUCAS,
and JOHN A. JEFFERY, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the Examiner's Final Rejection of claims 1, 3 through 27, and 30 through 44, which are all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

According to Appellants, their invention relates to a system for "rendering of assistance when ordering consumables to replenish

consumables and/or perform needed maintenance on one or more computer peripheral devices present within a centralized network environment." *See generally* Spec. 1:13-17. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A consumable component replenishment and maintenance assistance system for a centralized network environment, comprising:

a computer network;

a plurality of computer peripheral devices within the network;

a personal computer within the network and having a user interface usable by a maintainer to maintain operation of at least one computer peripheral device of the plurality; and

a server within the network and having a consumable component consolidation program operative to monitor the plurality of computer peripheral devices to identify at least a need to replenish a consumable component for each of the plurality of the computer peripheral devices, and to notify a maintainer of the identified need by rendering instructions that are sent to the maintainer at the personal computer;

wherein the consolidation program is operative to deliver to the maintainer an e-mail that consolidates the need to replenish the consumable component for a select group of computer peripheral devices from among the plurality of the computer peripheral devices when two or more computer peripheral devices from the select group of computer peripheral devices have the need to replenish the consumable component.

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Silva	US 2001/0034658 A1	Oct. 25, 2001
Fan	US 6,310,692 B1	Oct. 30, 2001
Sekizawa	US 6,430,711 B1	Aug. 06, 2002
Yanagidaira	US 6,490,052 B1	Dec. 03, 2002

Claims 1, 3 through 11, 13 through 18, 22, and 37 through 44 stand rejected under 35 U.S.C. § 103 as being unpatentable over Fan in view of Sekizawa.

Claims 19 through 21, 23 through 27, 30 through 33, 35, and 36 stand rejected under 35 U.S.C. § 103 as being unpatentable over Fan in view of Sekizawa and Silva.

Claims 12 stands rejected under 35 U.S.C. § 103 as being unpatentable over Fan in view of Sekizawa and Yanagidaira.

Claim 34 stands rejected under 35 U.S.C. § 103 as being unpatentable over Fan in view of Sekizawa, Silva, and Yanagidaira.

We refer to the Examiner's Answer (mailed December 8, 2006) and to Appellants' Brief (filed September 11, 2006) and Reply Brief (filed December 26, 2006) for the respective arguments.

SUMMARY OF DECISION

As a consequence of our review, we will affirm the obviousness rejections of claims 1, 3 through 27, and 30 through 44.

OPINION

The Examiner admits (Ans. 4) that Fan fails to teach delivering an e-mail consolidating the needs of two or more devices to replenish consumable components. The Examiner asserts (Ans. 4) that Sekizawa

remedies this deficiency. Appellants contend (Br. 13-14) that Fan teaches sending an e-mail notification regarding a particular printer's needs and that Sekizawa consolidates status information for multiple printers, not the needs to replenish consumable components. Accordingly, Appellants contend that the combination of Fan and Sekizawa fails to teach or suggest the limitation of consolidating the needs of multiple printers into a single e-mail, as recited in each of independent claims 1, 14, 23, and 37. Therefore, the issue is whether the combination of Fan and Sekizawa would have taught or suggested to the skilled artisan consolidating the needs of plural peripherals into a single e-mail.

Fan discloses (col. 3, l. 65-col. 4, l. 4) a print management system which includes clients, a server, and plural printers, even though only one printer is shown. The system monitors printer resources such as paper level, printer ink level and printer toner level. (*See* Fan, col. 4, ll. 20-22.) Fan discloses (col. 4, ll. 49-53 and col. 5, ll. 21-24 and 54-59) that the server includes a printer resource manager which notifies clients by e-mail of deficient resource levels of a printer. Fan states (col. 5, ll. 60-62), "Therefore, the system administrator can monitor the status of all printers from a computer console at one center location. Thus, the printer resource system manager **248** eliminates the need for a system administrator ... to be at each printer to monitor its status."

Sekizawa teaches (col. 1, ll. 20-29) that the amount of toner, ink, and other consumable articles used by a printer should be monitored to avoid the printer becoming non-operational. Sekizawa discloses (col. 3, ll. 44-49) a local monitor getting status information from plural printers through a computer network and transmitting the status information to an integrated

monitor. Further, the local monitor converts the status information from the plural machines into a single e-mail message. (*See* col. 4, ll. 27-32.)

The Supreme Court has held that in analyzing the obviousness of combining elements, a court need not find specific teachings, but rather may consider "the background knowledge possessed by a person having ordinary skill in the art" and "the inferences and creative steps that a person of ordinary skill in the art would employ." *See KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41 (2007). To be nonobvious, an improvement must be "more than the predictable use of prior art elements according to their established functions." *Id.* at 1740.

In the case before us, Fan and Sekizawa both disclose monitoring from a common server the level of printer resources such as toner, ink, and paper for plural printers. Both report status information by e-mail. Fan discloses e-mailing clients of deficient resource levels for one printer at a time, but does not preclude the possibility of e-mailing the status of multiple printers together. Sekizawa discloses consolidating status information, where status information means printer resource levels, for plural printers into a single e-mail. In view of the teachings of Fan and Sekizawa taken together, it would have been obvious to the skilled artisan to send a single e-mail regarding deficient resource levels for plural printers. Consolidating resource deficiency information for two or more printers is clearly no more than the predictable use of prior art elements according to their established functions. Therefore, we will sustain the obviousness rejection of claims 1, 14, and 37, and their dependents, claims 3 through 11, 13, 15 through 18, 22, and 38 through 44 over Fan in view of Sekizawa, which have not been separately argued.

Regarding claims 19 through 21, 23 through 27, 30 through 33, 35, and 36, the Examiner adds Silva to the primary combination. Appellants do not present any arguments regarding Silva, but merely rely on the arguments presented for claims 1, 14, and 37, discussed *supra*. Therefore, we will sustain the obvious rejection of claims 19 through 21, 23 through 27, 30 through 33, 35, and 36. Similarly, Appellants do not present any additional arguments regarding Yanagidaira, added to the primary combination to reject claim 12, nor of Silva and Yanagidaira, together added to the primary combination to reject claim 34. Accordingly, we will sustain the obviousness rejections of claims 12 and 34 for the same reasons discussed *supra* with respect to claims 1, 14, and 37.

ORDER

The decision of the Examiner rejecting claims 1, 3 through 27, and 30 through 44 under 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

tdl

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